

APR 25 2022

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION**

**UNITED STATES OF AMERICA**

Case No. 4:18CR00017

V.

## OPINION AND ORDER

**TYRONE YOUNG,**

JUDGE JAMES P. JONES

Defendant.

*Tyrone Young, Defendant Pro Se.*

The defendant previously filed a Motion to Vacate, Set Aside, or Correct Sentence, pursuant to 28 U.S.C. § 2255, which I dismissed as untimely. § 2255 Mot., ECF No. 87; Op., ECF No. 109; Order, Mar. 16, 2021, ECF No. 110. He thereafter filed a Motion for Leave to Add Additional Ineffective Assistance of Counsel Claims, ECF No. 114, which I treated as a second § 2255 motion and dismissed as successive. Op., ECF No. 118; Order, June 3, 2021, ECF No. 119. He has now filed a Motion for Relief from a Judgment or Order, ECF No. 155, pursuant to Federal Rule of Civil Procedure 60(b)(2) and (d)(3), relating to the dismissal of the first § 2255 motion. I will deny the motion.

The provisions of Rule 60 relied upon by the defendant allow relief based upon newly discovered evidence, Rule 60(b)(2), and fraud on the court, Rule 60(d)(3). Neither of these provisions is shown to relate to the denial of the

defendant's § 2255 motion as untimely. The defendant contends that he was suffering from "cognitive disorders" that prevented him from filing a timely direct appeal from the judgment of conviction, thus causing his appeal to be dismissed. As a result, his time for filing a § 2255 motion was not extended by the pendency of a direct appeal. Op. 2, ECF No. 109. However, the defendant's mental condition, even assuming that it existed at the time, is not shown to be newly discovered evidence nor does it constitute a fraud on the court.

For these reasons, it is **ORDERED** that the defendant's Motion for Relief from a Judgment or Order, ECF No. 155, is DENIED. The defendant has also submitted certain medical records and has filed a Motion to Seal those records. That Motion to Seal, ECF No. 157, is GRANTED, and the medical records will be filed under seal by the Clerk. Finally, the defendant has filed certain other motions relating to his Motion for Relief from a Judgment or Order and those motions, ECF Nos. 152, 153, 156, 158, and 159, are DENIED.

ENTER: April 25, 2022

/s/ JAMES P. JONES  
Senior United States District Judge